

REMARKS

Applicants request favorable reconsideration and allowance of the subject application in view of the preceding amendments and the following remarks.

The claims now pending in the application are claims 1 through 20, with claims 1, 7, and 14-20 being independent.

The specification has been amended herein to correct minor grammatical and inadvertent errors. Also, claims 15 and 16 have been amended. Support for the amendments to the specification and to the claims can be found in the original application, as filed. Therefore, no new matter has been added.

Initially, Applicant notes that claims 1-14 and 18-20 are allowed. These claims are unchanged herein, and are thus still allowable.

In the Office Action, claims 15-17 were rejected under 35 U.S.C. § 102(b) , as being anticipated by U.S. Patent No. 5,636,032 to Springett. Applicant respectfully traverses this rejection.

Upon receipt of the Office Action, a representative of Applicant phoned Examiner Evans to obtain clarification regarding the Office Action because, although the Action rejects claims 15, 16, and 17, nowhere does the Office Action discuss claim 16. Also, the wording of the rejection does not appear to apply completely to claim 17. The Examiner stated that claim 17 was erroneously rejected, and that claims 15 and 16 should be the only rejected claims. Based on that conversation, it was understood that claim 16 was rejected for substantially the same reasons as claim 15 inasmuch as the USPTO was construing the word “attribute” of claim 16 more broadly than the word “quality” of claim 15, such that, in the USPTO’s view, the applied art inherently discussed quality of an image, and thus also an attribute of the image.

In light of the discussion with the Examiner, claim 17 has not been amended and will not be discussed further. Applicant requests formal allowance of claim 17.

Claim 15 now recites a method of controlling an image forming apparatus including a first check step of checking quality of an image to be formed, a second check step of checking a status of the image forming apparatus, and a determination step. The determination step performs permission determination of image formation in accordance with whether the status of the image forming apparatus in the second check step is a predetermined status and whether the quality of an image in the first check step is a predetermined quality.

Claim 16 also recites a method of controlling an image forming apparatus. The claimed method includes a reception step of receiving an image, a first check step of checking an attribute of a received image, a second check step of checking a status of the image forming apparatus, and a determination step. The determination step performs permission determination of image formation in accordance with whether the status of the image forming apparatus in the second check step is a predetermined status and whether the attribute of the received image in the first check step is a predetermined attribute.

Accordingly, in each of claims 15 and 16, a determination step performs permission determination of image formation in accordance with whether the status of the image forming apparatus in a second check step is a predetermined status and whether the quality (claim 15) or attribute (claim 16) of an image in the first check step is a predetermined quality (claim 15) or attribute (claim 16).

Applicant asserts that at least these features are not taught by Springett.

Springett relates to a system and method for informing a user of a marking material status in a printing environment in which a number of printable sheets is calculated and displayed in accordance with a check of a number of pixels and a check of an amount of marking material. Depending upon the calculation, a user may be prompted

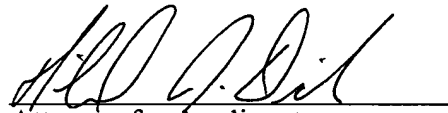
to change a toner or ink cartridge. Thus, although Springett discloses a display of a number of pixels and an amount of marking material, it does not teach or suggest that a permission determination of image formation is permitted in accordance with whether the status of the image forming apparatus in a second check step is a predetermined status and whether the quality or attribute of the image in a first check step is a predetermined quality/attribute, as recited in claims 15 and 16.

For the foregoing reasons, Applicant submits that claims 15 and 16 are allowable over Springett. Favorable reconsideration and withdrawal of the rejection of these claims is solicited.

Applicant further submits that this application is in condition for allowance. An early Notice of Allowance is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Didas", is written over a horizontal line.

Attorney for Applicant
Michael J. Didas
Registration No. 55,112

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

MJD/ksp
DC_MAIN 169617v1